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10/516,758	12/03/2004	Jens Ulrik Pedersen	071308.1030 (2004P11374WO)	6749
86528	7590	07/07/2010	EXAMINER	
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/516,758	Applicant(s) PEDERSEN, JENS ULRIK	
	Examiner KHAI M. NGUYEN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 18-20, 22-24, 27-29, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 18 is/are allowed.
- 6) ☒ Claim(s) 19, 22-24, 27-28, and 31-32 is/are rejected.
- 7) ☒ Claim(s) 20 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 15, 18-20, 22-24, 27-29, and 31-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19, 22-23, 28, and 31-32 are rejected under 35 U.S.C.103(a) as being unpatentable over Sheha et al. (U.S.Pub-20030016804), in view of Grube et al. (U.S.Pat-5493286), and further in view of Cuny et al. (U.S.Pub-20050141541).

Regarding claim 19, Sheha teaches a method for transmitting location information, the method comprising:

determining whether a parameter controllable by a user of a first terminal device allows for indicating a geographical location of the first terminal device to another terminal device to which a message may be sent ([0023], [0042]; each device has privacy settings that allow the device to prevent or limit other calling devices from obtaining position information. These privacy settings can include allowance of position information transfers only when a voice or video connection is established and/or only with the device owner's permission; displaying the originating position information, such

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as a map location 33 of the caller, and the user's location position information, such as a map location 34 of the destination telephone number);

the message in response to the user of the first terminal device (abstract, [0020], [0023] , [0052]), and only if the parameter allows, indicating the geographical location of the first terminal device ([0022], [0023], [0052]; each device has privacy settings that allow the device to prevent or limit other calling devices from obtaining position information); and

transmitting the message to one of a second terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose writing information into the message, in response to the user of the first terminal.

However, Grube teaches writing information into the message, in response to the user of the first terminal (fig.1-2, col.4, lines 6-37).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Grube to Sheha to allows communications to be established based on geographic locations.

Sheha and Grube fail to specifically disclose PoC terminal, and PoC terminal has pressing a (PoC) talk button, the information indicating the user pressed the (PoC) talk button.

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However, Cuny teaches PoC terminal ([0004] and [0046]), and PoC terminal has pressing a (PoC) talk button (fig.3: item 306, [0050] PTT switch), the information indicating the user pressed the (PoC) talk button ([0003], [0084]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha and Grube to reduce end-to-end delays during the conversation.

Regarding claims 22, 31, Cuny further teaches the message is a Push-to-Talk over Cellular message ([0004] and [0046]).

Regarding claims 23, 32, Cuny further teaches the Push-to-Talk over Cellular message is one of a REFER message, a Floor taken message ([0084]).

Regarding claim 28, Sheha teaches a terminal device, comprising:

a parameter under control of a user of the terminal device for determining whether the terminal device allows for indicating a geographical location of the first terminal device to another terminal device to which a message may be sent ([0023], [0042]; each device has privacy settings that allow the device to prevent or limit other calling devices from obtaining position information. These privacy settings can include allowance of position information transfers only when a voice or video connection is established and/or only with the device owner's permission; displaying the originating position information, such as a map location 33 of the caller, and the user's location position information, such as a map location 34 of the destination telephone number);

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the message in response to the user of the first terminal device (abstract, [0020], [0023] , [0052]), and only if the parameter allows, indicating the geographical location of the first terminal device ([0022], [0023], [0052]; each device has privacy settings that allow the device to prevent or limit other calling devices from obtaining position information); and

a transmitter, the transmitter transmitting the message to one of a further terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose a message generator, the message generator writing information into the message, in response to the user of the first terminal.

However, Grube teaches a message generator, the message generator writing information into the message, in response to the user of the first terminal (fig.1-2, col.4, lines 6-37).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Grube to Sheha to allows communications to be established based on geographic locations.

Sheha and Grube fail to specifically disclose PoC terminal, and PoC terminal has pressing a (PoC) talk button, the information indicating the user pressed the (PoC) talk button.

However, Cuny teaches PoC terminal ([0004] and [0046]), and PoC terminal has pressing a (PoC) talk button (fig.3: item 306, [0050] PTT switch), the information indicating the user pressed the (PoC) talk button ([0003], [0084]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha and Grube to reduce end-to-end delays during the conversation.

4. Claims 24 and 27 are rejected under 35 U.S.C.103(a) as being unpatentable over Sheha et al. (U.S.Pub-20030016804), in view of Briesemeister (U.S.Pat-6721537), and further in view of Cuny et al. (U.S.Pub-20050141541).

Regarding claim 24, Sheha teaches a terminal device, comprising:

a receiver, the receiver receiving a message indicating that a user of a further terminal device (abstract, [0013]; allow a caller and a receiver of a telephone call to provide to and receive from each other position information related to the caller and/or receiver's physical location, including address information, GPS coordinates, nearby fixed locations such as a parking structure, etc), and the message including a geographical location of the further terminal device (abstract, [0013]); and

an indicator, the indicator for indicating the geographical location of the further terminal device to a user of the terminal device (abstract, [0013]), the indicator additionally indicating at least one of:

a direction of the terminal device from the geographical location of the further terminal device;

a geographical location of the terminal device on a map together with a geographical location of the further terminal device; and

coordinates of both the terminal device and the further terminal device

Sheha fails to specifically disclose a distance of the terminal device from the further terminal device.

However, Grube teaches a distance of the terminal device from the further terminal device (examiner chooses: col.1, lines 55-63).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Briesemeister to Sheha to allows communications to be established based on geographic locations.

Sheha and Briesemeister fail to specifically disclose PoC message; PoC terminal has pressed a talk button.

However, Cuny teaches PoC message ([0004] and [0046]); PoC terminal has pressed a talk button (fig.3: item 306, [0050] PTT switch).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha and Briesemeister to reduce end-to-end delays during the conversation.

Regarding claim 27, Cuny further teaches the Push-to-Talk over Cellular message is a Floor taken message ([0084]).

Allowable Subject Matter

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5. Claims 20 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 15 and 18 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's independent claim 15: The present in invention is directed to a method for receiving location information, the independent claim identifies the patentably distinct feature, "receiving a Push-to-Talk over Cellular message (PoC) at a first PoC terminal device indicating that a user of a second PoC terminal device has pressed a PoC talk button, the message including a geographical location of the second PoC terminal device; indicating the geographical location of the second PoC terminal device to a user of the first PoC terminal device; indicating a direction of the first PoC terminal device from the geographical location of the second PoC terminal device; indicating a distance of the first PoC terminal device from the second PoC terminal device; indicating a geographical location of the first PoC terminal device on a map together with the geographical location of the second PoC terminal device; and indicating coordinates of both the first PoC terminal device and the second PoC terminal device". Applicant's independent claim 15 comprises a particular combination of elements, which is neither taught nor-suggested by prior art.

Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AJIT PATEL/
Primary Examiner, Art Unit 2617

/Khai M Nguyen/
Examiner, Art Unit 2617

6/24/2010